

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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DAVID YOUNG, Individually and on Behalf of All Others Similarly Situated,	:
Plaintiff,	:
v.	:
COMMONWEALTH REIT, et al.,	:
Defendants.	:
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Civil Action
No. 1:12-cv-12405-DJC

STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
F.R.C.P. 41(a)(1)(A)(ii)

Plaintiff David Young (“Plaintiff”) and Defendants Commonwealth REIT, Adam D. Portnoy, and John C. Popeo (“Defendants”), by and through their undersigned counsel, hereby stipulate and agree as follows and jointly request that the Court enter the Order below, approving this Stipulation:

WHEREAS, on December 27, 2012, Plaintiff filed a class action complaint in the above-captioned matter on behalf of purchasers of the common shares of Defendant Commonwealth REIT;

WHEREAS, on May 20, 2013, the Court granted Plaintiff’s Motion for Appointment as Lead Plaintiff and Approval of Selection of Counsel;

WHEREAS, on July 22, 2013, Plaintiff filed his amended complaint;

WHEREAS, on September 20, 2013, Defendants moved to dismiss the amended complaint;

WHEREAS, on November 6, 2013, Plaintiff filed his corrected opposition to Defendants’ motion to dismiss the amended complaint;

WHEREAS, on December 3, 2013, Defendants filed their reply in further support of their motion to dismiss the amended complaint;

WHEREAS, on May 12, 2014, the Honorable Denise J. Casper set oral argument in the above-captioned matter for June 11, 2014;

WHEREAS, the Court has not yet ruled on Defendants’ motion to dismiss;

WHEREAS, a class has not yet been certified in this action;

WHEREAS, no agreements have been discussed, nor has consideration of any kind been paid by any party to this action; and

WHEREAS, Defendants agree not to dispute that this action was brought in good faith and that Plaintiff in all ways complied with his duties arising under the Federal Rules of Civil Procedure and the federal securities laws;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties and/or their respective counsel listed below, that the above-captioned action is voluntarily dismissed with prejudice as to the Lead Plaintiff against all Defendants pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and that all parties are to bear their own costs and expenses.

DATED: June 9, 2014

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
MARIO ALBA JR.
AVITAL O. MALINA

/s/ Samuel H. Rudman
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Liaison Counsel

DATED: June 6, 2014

/s/ James R. Carroll

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*Counsel for Defendants Commonwealth REIT,
Adam D. Portnoy, and John C. Popeo*

* * *

ORDER

IT IS SO ORDERED.

DATED: _____

THE HONORABLE DENISE J. CASPER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Samuel H. Rudman, hereby certify that, on June 9, 2014, I caused a true and correct copy of the attached:

STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO
F.R.C.P. 41(A)(1)(A)(II)

to be served electronically on all counsel registered for electronic service for this case.

/s/ Samuel H. Rudman

Samuel H. Rudman